

RECEIVED
CENTRAL FAX CENTER

MAY 30 2006

U.S. Patent Application No. 10/770,488

Attorney Docket No. 4849-081

Docket No.: 4849-081

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Declan REILLY

U.S. Patent Application No. 10/770,488

Filed: February 4, 2004

For: OPTICAL BEAM SPLITTER APPARATUS

: Confirmation No. 1940

: Group Art Unit: 2873

: Examiner: Brandi N. THOMAS

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action mailed May 22, 2006 restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-14, drawn to a beam splitter apparatus, classified in class 359, subclass 618.
- II. Claims 15-21, drawn to a method of controlling a beam, classified in class 359, subclass 636.

In response, Applicants hereby elect, with traverse, claims 15-21 for examination in this case.

The restriction is traversed for the reason that the method can only be practiced by the claimed apparatus and the claimed apparatus can only be used to practice the claimed method. As a result, the inventions are not separate and distinct. The Office Action implies that the method can be practiced with an apparatus other than that of the claimed apparatus and vice versa. However, no examples are cited in the Office Action to support such a bold statement. Consequently, early examination on the merits is courteously solicited.

U.S. Patent Application No. 10/770,488

Attorney Docket No. 4849-081

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 AML/tal
Facsimile: (703) 518-5499
Date: May 30, 2006

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOW

Tracy A. Luke

TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

Tracy A. Luke 5-30-06

SIGNATURE

DATE

571-273-8300

FACSIMILE NUMBER